

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor : MECHLENBURG et al.
Appln. No. : Not Yet Assigned (CONT of U.S. Appln. No. 09/761,788)
Conf. No.: : Unknown
Filed: : March 29, 2004
Title: : MUSCLE STIMULATING DEVICE AND METHOD FOR
DIAGNOSING AND TREATING A BREATHING DISORDER

Group Art Unit : Unknown
Examiner : Unknown
Docket No. : 96-04 D1C1

* * * * *

March 29, 2004

INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of Patents
and Trademarks
Alexandria, VA 22313-1450

Sir:

Attached is a Form PTO-1449 listing the enclosed documents.

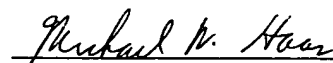
This Information Disclosure Statement is being filed within 3 months of the filing date of this application.

Any copy of the items listed on the enclosed Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in Application Nos. 09/761,788, filed January 17, 2001 and 09/173,871,

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on March 29, 2004 with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to:

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filed October 16, 1998, of which the present application relies upon for an earlier filing dated under 35 U.S.C. § 120. Therefore, no such copy is required to be submitted by the applicant with this Information Disclosure Statement per 37 C.F.R. § 1.98(d).

This Information Disclosure Statement is intended to be in full compliance with the rules, but should the Examiner find any part of its required content to have been omitted, prompt notice to that effect is earnestly solicited, along with additional time under Rule 97(f), to enable Applicant to comply fully.

Consideration of the foregoing and enclosures plus the return of a copy of the herewith Form PTO-1449 with the Examiner's initials in the left column per M.P.E.P. § 609 along with an early action on the merits of this application are earnestly solicited.

Respectfully submitted,

By 
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PTO/SB/08 Form (RESPIRONICS Version) INFORMATION DISCLOSURE STATEMENT BY APPLICANT			Application No.		Not Yet Assigned	
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Sheet	1	of	5	Attorney Docket No:		96-04 D1C1

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
		6,240,316	05-29-2001	Richmond et al.	
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		6,099,459	08-08-2000	Jacobson	
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Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Country Code-Number-Kind Code				
		EP-0 743 076-A1	11-20-1995	Medtronic		
		WO-98/37926-A1	09-03-1998	Schulman et al.		
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		EP-0 494 787-B1	03-1996	Kallok et al.		
		EP-0 702 977-A2	03-1996	Testerman		

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EXAMINER: Initial if citation is considered, whether or not citation is in conformance with MPEP § 609. Draw a line through the citation if not in conformance and not considered. Per MPEP § 609, include a copy of this form with the next communication to the Applicant.

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OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
		Alan R. Schwartz, "Hypoglossal Nerve Stimulation in Obstructive Sleep Apnea", "New Therapeutic Approaches for Obstructive Sleep Apnea," Johns Hopkins Sleep Disorders Center, APSS Post-Graduate Course, May 30, 1995.	
		Richard S. Schwartz et al., "Effects of Electrical Stimulation to the Soft Palate on Snoring and Obstructive Sleep Apnea", December 20, 1995, Pages 1 - 17.	
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		Geddes et al., "Magnetic (Eddy-Current) Electroventilation in the Dog," Annals of Biomed. Engr., Vol. 21, June 1993, 193-197.	
		Geddes et al., "Electrically Produced Artificial Ventilation," Medical Instrumentation, Vol. 22, No. 5, October 1988, 263-271.	
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		Geddes et al., "Artificial Respiration in the Dog by Percutaneous, Bilateral, Phrenic Nerve Stimulation," Am. J. Emerg. Med., Vol. 9, No. 6, November 1991, 527-529.	
		Cadwell, "The Design and Applications of Cadwell Magnetic Coils," Cadwell Laboratories, Inc., Kennewick, WA 99336, 4 pages.	
		Mouchawar et al., "Magnetic Electrophrenic Nerve Stimulation to Produce Inspiration," Annals of Biomed. Engr., Vol. 19, 1991, 219-221.	
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		Van de Graaff et al., "Respiratory Function of Hyoid Muscles and Hyoid Arch," American Physiological Society, 1984; 197-204.	
		Schnall et al., "Dilatory Effects of Upper Airway Muscle Contraction Induced by Electrical Stimulation in Awake Humans," American Physiological Society, 1995; 1950-1956.	
		Geddes et al., "Electroventilation," J. Emerg. Med., Vol. 3, No. 4, July 1985, 337-339.	
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		Mouchawar, et al., "Short Communication Magnetic Electrophrenic Nerve Stimulation to Produce Inspiration," Annals of Biomedical Engineering, Vol. 19, 1991, pages 219-221.	

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